

# EXTENSIONS OF REMARKS

CHRISTOPHER DAVID MICHAEL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher David Michael, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271 and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher David Michael for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## INTRODUCTION OF THE CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENTS ACT OF 2008

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Ms. BORDALLO. Madam Speaker, in 2003, the Congress was made aware of the growing public safety threats created by the private ownership of large predatory cat species, such as lions and tigers, through numerous press accounts of fatal or near-fatal accidental maulings of unsuspecting adults and children. At the urging of a broad range of stakeholders which requested the Congress intercede to restrict the trade and ownership of these inherently wild animals, Congressman HOWARD P. MCKEON and Congressman GEORGE MILLER of California introduced the Captive Wildlife Safety Act as H.R. 1006 in the 108th Congress on February 27, 2003, to address these threats and to help conserve big cats. The bill proposed to amend the Lacey Act Amendments of 1981 to add lions, tigers, cheetahs, leopards, snow leopards, clouded leopards, jaguars, or cougars, and all subspecies and hybrids of these species, to the list of "prohibited wildlife species." Since the Lacey Act makes it unlawful to import, export, transport, sell, buy, or possess fish, wildlife or plants taken, possessed, transported, or sold in violation of any Federal, State, foreign, or Native American tribal law, treaty or regulation, this legislation proposed to make it illegal in the future to purchase and hold these animals in captivity, unless certain exceptions are met.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans of the Committee on Resources in the 108th Congress determined

during its oversight hearing on the bill on June 12, 2003 that ownership of any large, predatory animal presents substantial risks to the owner, the animal, and the public at large. Ownership risks for large, carnivorous cats are particularly acute. Diverse stakeholders including the American Veterinary Medical Association, American Zoo and Aquarium Association, Wildlife Conservation Society, and the Humane Society of the United States all publicly stated that big cats cannot be humanely maintained without specific expertise, specialized equipment and proper facilities to meet the requisite nutritional, physical and environmental demands of the animals. Additionally, large cats remain extremely expensive animals to feed and maintain, a fiscal constraint which often results in animals being abandoned or euthanized by owners once they grow into maturity. Sadly, few zoos are able to take abandoned large cats due to space constraints and genetic diversity concerns and few licensed animal sanctuaries exist in the United States to care for large carnivores.

Stakeholders also underscored the point that exotic large cats, because they are powerful predatory animals which can react unpredictably, also pose significant public safety threats. This claim was made evident by the tragic October 3, 2003 mauling of Roy Horn—one half of the famed Las Vegas circus duo of Siegfried and Roy—by one of their act's hybrid white tigers. The problem is further compounded by the limited expertise available in local communities to successfully re-capture or humanely sedate a large cat once it has escaped or been provoked, intentionally or not, to attack.

Following the leadership of then-ranking Democrat member, Congressman NICK RAHALL of West Virginia, and former Chairman, Richard W. Pombo of California, the Committee on Resources reported favorably this bipartisan, non-controversial legislation to prohibit for the first time interstate and foreign commerce in large predatory cats. This widely supported legislation subsequently cleared the House of Representatives by a vote of 419–0 on November 19, 2003, and was signed into law by President George W. Bush on December 19, 2003, Public Law 108–191. While not authorizing an outright ban on the private ownership of large cats, this important legislation was considered a reasonable first step in limiting the availability and desirability of these animals in the pet trade, as well as a valuable tool in efforts to shut down the illegal trade in tiger parts and products that maintain a lucrative traditional medicine black market in Asia.

Two important events have transpired in the intervening period since the enactment of the Captive Wildlife Safety Act. First, on August 16, 2007, the U.S. Fish and Wildlife Service published in the Federal Register regulations to implement the act, 72 FR 45938. Although overdue, this was an important milestone towards achieving the goals of the act. The second event, related to the first, was the identification by the Service during its rulemaking of a technical error in the act which complicates its enforcement.

Specifically, under the Lacey Act criminal wildlife trafficking prohibitions are built upon a "two-step" prohibition scheme. Under section 3372(a), each trafficking violation—with the exception of violations of the Captive Wildlife Safety Act—requires proof of two separate steps involving the wildlife at issue: first, the wildlife must be taken, possessed, transported or sold by someone in violation of existing laws or treaties and, second, the wildlife must be subsequently imported, exported, transported, sold, received, acquired or purchased. These two steps cannot be collapsed by prosecutors into one step or act committed by the defendant. As enacted, the Captive Wildlife Safety Act is a one-step offense within a section of the Lacey Act that presumes two-step violations. Consequently, placement of amendments made by the Captive Wildlife Safety Act in this section of the Lacey Act could make violations of the Captive Wildlife Safety Act potentially difficult to enforce in court because some big cats may be legally possessed to begin with.

In order to clarify the enforcement provisions of the Captive Wildlife Safety Act, I introduced today with my colleague from South Carolina and the ranking Republican member of the Subcommittee on Fisheries, Wildlife and Oceans, Congressman HENRY BROWN, the Captive Wildlife Safety Act Technical Amendments Act of 2007. This bill, which is based on legislation which cleared the Senate during the 109th Congress, S. 1415, and extensive consultations with officials at the U.S. Fish and Wildlife Service and the U.S. Department of Justice, would amend the appropriate sections of the Lacey Act to decouple enforcement of the Captive Wildlife Safety Act from the two-step analysis. This legislation also would make the necessary clarifying amendments to the civil and criminal penalties sections of the Lacey Act to reflect this correction. Officials of the U.S. Fish and Wildlife Service have assured me that these corrections will make the Captive Wildlife Safety Act more readily enforceable, comprehensible, and aligned with the Act's intent to stop trade in dangerous big cats. I have been also assured that should this bill become law the agency will not have to revise its regulations implementing the Captive Wildlife Safety Act.

It is also important to note that all exemptions under the existing Captive Wildlife Safety Act would remain unchanged and in effect. That means that any licensed, registered or federally-inspected zoo, circus, research facility, or aquarium; any individuals accredited by the American Sanctuary Association or Association of Sanctuaries; any State college, university or agency; any State-licensed wildlife rehabilitators or veterinarians; any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals; and, any federally-licensed and inspected breeder or dealer and individuals transporting a wildlife animal to an exempted person or facility, would remain outside the scope of the Captive Wildlife Safety Act. Also, nothing in the bill I have introduced today would preempt

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

or supersede any State or territory's authority to regulate wildlife within its borders.

I urge my colleagues to support this non-controversial legislation to ensure that the U.S. Fish and Wildlife Service is able to clamp down on the illegal trade in big cats. Only two weeks ago the Los Angeles Times reported that a wildlife caretaker at the Shambala Preserve in California had been attacked and severely injured by a 4-year old captive tiger. This tragic event should serve to remind all of us that even under expert care, large predatory cats remain a significant threat to public safety that can, and should, be tightly controlled.

#### HONORING THE MOUNT MADONNA SCHOOL GIRLS VOLLEYBALL TEAM

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Mr. FARR. Madam Speaker, I rise today along with my colleague and good friend Congressman MIKE HONDA in order to congratulate the members and coaches of the Mount Madonna girls volleyball team on their extraordinary run to become the 2007 California Interscholastic Federation, CIF, Division V Champions. In 3 years, the Mount Madonna Hawks went from being a team ranked non-competitive by their own athletic league to state champions.

In a school of only fifty students with only thirteen of those being junior and senior girls, eleven girls made the seemingly impossible a reality. On December 1, 2007 the Mount Madonna Hawks defeated an opponent from a school seven times their size to win the 2007 CIF Division V State Championship.

Along the way the Hawks also picked up the titles of the Santa Cruz Coast Athletic League Co-Champions, the CIF Central Coast Section Division V Champions, and the CIF Northern California Division V Champions. They accomplished this while also earning the CIF Central Coast Section award for best collective grade point average for an all varsity team.

Team leaders Hannah Meade, Alexa Rosendale and Erin Mitchell were each recognized individually by local and State organizations for their inspired and passionate play. However, we all know that it is the entire team of Ashley England, Camille Schwartz, Joanna Koda, Rachel Sunberg, Shelby Bofula, Soma Sharen, Tessa Fischer and Zoe Bostick that made this possible. I am so proud of their accomplishment and urge them to cherish this moment and use it as inspiration to overcome adversity in the years ahead.

I have long admired the students and teachers at the Mount Madonna School and second year Coach Gabrielle Houston Neville, more affectionately known as Gabby, and Athletic Director Sidd McDonald. They are testaments to the dedicated and exceptional staff that nurtures these future leaders.

When people ask about the young women of the 2007 Mount Madonna girls volleyball team, let it be said that throughout the season they showed the character, determination, sportsmanship, and mental and physical resilience of true champions. To the team I say, congratulations on your title as 2007 Division

V State Champions, young Hawks; may this mark the beginning of future successes.

LUKE J. GILBERT

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Luke J. Gilbert, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 865 and earning the most prestigious award of Eagle Scout.

Luke has been very active with his troop, participating in many Scout activities. Over the many years Luke has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Luke J. Gilbert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### INTRODUCTION OF A BILL TO IMPROVE THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Ms. BORDALLO. Madam Speaker, today I introduced a bill to amend section 8903 of title 5 of the United States Code to authorize the Office of Personnel Management, OPM, to approve companies who offer non-Governmentwide service benefit health care plans to participate in the Federal Employees Health Benefits, FEHB, Program. Current U.S. law and its supporting regulations restrict companies that offer non-Governmentwide service benefit health care plans from participating in the FEHB Program. Current law authorizes annual approval of only a service benefit health care plan for the FEHB Program that is not otherwise considered an employee organization plan and further requires that plan to be offered Governmentwide.

Enactment of the bill I introduced today would allow for local or regional companies offering at least one level of service benefit coverage to participate in the FEHB Program. This additional participation would lead to a greater degree of choice for Federal employees regarding health care plans available to them and their families. Additional participation in and increased choices among the FEHB Program could lower costs for beneficiaries and result in greater quality of coverage. Enactment of the bill could also provide Federal employees residing in rural, underserved, or remote locations needed flexibility toward meeting their and their families' health care needs. I know that in my district greater choice and flexibility with respect to health care plans would improve the quality of life for Federal employees and their families, but it also would go far toward lowering costs of health care coverage for those individuals.

Specifically, the bill I introduced today would amend section 8903 of title 5 of the United States Code to authorize OPM to contract for and approve applications for service benefit plan carriers that offer non-Governmentwide service benefit health care plans. The bill would accomplish this objective by inserting a new paragraph five under section 8903 authorizing one or more fee-for-service plans other than a Governmentwide plan or an employee organization plan eligible for selection through the FEHB Program. The bill also proposes to codify a definition of the term "State" in the same provision of law, for the purpose of ensuring companies offering service benefit plans otherwise available to individuals residing in any of the several States, the District of Columbia, Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, or in the Commonwealth of the Northern Mariana Islands, CNMI, have equal access to participate in the FEHB Program, in so far as they satisfy other requirements for participation established by law and regulation. The bill would further make certain technical and conforming amendments to current law to support its overall and underlying intent.

On June 1, 2007, the Director of OPM transmitted to Congress a legislative proposal entitled "Federal Employees Health Benefits Improvements Act of 2007." Similar to the bill I introduced today, the administration's proposal would, in part, authorize OPM to contract with companies offering additional types of health benefit plans for participation in the FEHB Program.

I support competition in the health insurance marketplace with the intent of lowering costs, increasing choice for consumers, and improving quality of care. I also support strengthening the FEHB Program and increasing the number and quality of plans made available to Federal employees residing in my district and across the country. I look forward to working with the leaders of the Committee on Oversight and Government Reform and its Subcommittee on Federal Workforce, Postal Service and the District of Columbia on the bill I introduced today and as they consider changes in law governing the administration of the FEHB Program.

GAGE CARTER HERRINGTON

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Gage Carter Herrington, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America Troop 45 and earning the most prestigious award of Eagle Scout.

Gage has been very active with his troop, participating in many Scout activities. Over the many years Gage has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers and community.

Madam Speaker, I proudly ask you to join me in commending Gage Carter Herrington for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.